

City Council Minutes
Tuesday, March 10, 2015
City Hall Auditorium
7:00 p.m.

1. Meeting called to order @ 7:00 p.m.
2. Pledge of Allegiance was led by Councilor Sickorez
3. Roll call was taken by the City Clerk, Bonnijo Kitchin. Members present were Councilor Sickorez, Councilor Bartley, Councilor Bezanson, Councilor Lavoie, Councilor McClure, Councilor Moavenzadeh, Councilor Sherwood and President McMilleon. Councilor Ferguson has an excused absence.
4. Act on minutes – Councilor Lavoie moved to accept the minutes of February 10, 2015 as submitted. Councilor McClure seconded and it was voted Unanimous.
5. Correspondence
 - a. President/Vice President Communications
Councilor McMilleon read a memo he received inviting the City Council to attend the Amesbury Relay for Life kick-off event at Leo's Bowl-a-way on March 17.

b. Communication from Elected Officials, Boards and Commissions

2015-014 Fill Vacancy on Library Board of Trustees at joint public hearing

Applicants: a.) Kristin TenBensel, 39 Aubin St.

Mary Dunford called the Library Trustees meeting to order and took a roll call.

Kristin TenBensel of 39 Aubin St was the only applicant that applied and she presented her reasons for wanting this position. She stated that she had been a patron of the Library since she was a child and feels it is an invaluable institution that belongs to the community and feels strongly about service to the community.

Councilor Sherwood stated that Ms. TenBensel had previously served on the Board of Health and comes with a great deal of experience with serving on municipal boards.

Mary Dunford nominated Kristin TenBensel to the Library Board of Trustees. Councilor Sherwood seconded. A roll call vote of each board was taken: City Council (In Favor) 8-Sickorez, Bartley, Bezanson, Lavoie, McClure, Moavenzadeh, Sherwood and McMilleon (Unanimous) Board of Trustees (In Favor) 7-Buckley, M. Dunford, Deschenes, Marinopoulos, Jordan, Sullivan and S. Dunford (Unanimous)

Councilor McMilleon adjourned the joint meeting at 7:11 p.m.

Mary Dunford adjourned the Library Trustee meeting at 7:11 p.m.

2015-022 Capital Improvement Plan –Councilor McMilleon stated that the Capital Improvement Plan is now available.

Councilor Sherwood stated that this is in a different format and that it would be worth a presentation at the Finance Committee and wants to invite the Mayor and Mr. Benevento to make that presentation at the Finance Committee Meeting scheduled to be held on Tuesday March 24, 2015.

6. Mayoral Appointments
2015-020 Reappointment – William Croteau, Jr. to Board of Registrars of Voters for a term to expire March 31, 2018.
Councilor Bartley moved to approve as submitted. Councilor Sickorez seconded and it was voted Unanimous.

7. Licenses & Permits – a list of current new licenses is attached.

8. Public Comment
Peter Hoyt stated that he is speaking to the bill 2015-021, the Statement of Interest and that he feels this is a good time for this to be taken into consideration as there is a problem with space at the elementary schools and nothing has really changed since the 70's when he taught there. He asks that the Council move this forward.

Paul Jancewicz and Todd McGrath spoke regarding the Veterans Memorial Restoration Committee. They invited the Council and the public at large to an event that will take place at the Union Cemetery on Saturday, June 27. There will be a ceremony to re-dedicate a Civil War memorial currently in the process of restoration and to commemorate the end of the Civil War

sesquicentennial. This date was chosen because Amesbury Days will be taking place at that time. The Bartley Machine Co has played a significant role in the restoration of four very unique cannons that were in dire need of restoration, preservation and protection. The guest speaker is to be Christopher Nguyen who is the supervisory Park Ranger at Gettysburg National Military Park. He hopes that the Council will set aside the date to help celebrate.

James Thivierge spoke in regards to the tax burden to the value in Amesbury and the fact that we are in the top 5 worst in the Boston Globe's survey of 53 communities in March.

9. Council Response to Public Comment

10. Public Hearings:

2015-015 An Order to request that the City Council vote to appropriate \$6,000 from Free Cash for the *FIRST* robotics program at Amesbury High School.

Councilor McMilleon opened the public hearing.

Jim Thivierge stated that every person in this community should know what the balance of the free cash is before anything is transferred and what statute are we transferring this free cash to robotics and what is the new balance of the school budget. He asked the Chair of the Finance Committee to furnish him the answers.

Evan Kenney stated that Mark Obremski is a volunteer and is an MIT graduate who approached him and told him that he was involved in first robotics. The Mayor has wanted to do this for some time and with the help of Mark and the School Administration, they have worked hard to get the Carriagetown Robotics Team to this point. Students are excited. He then introduced Mark Obremski.

Mr. Obremski stated that he has been doing first robotics for 20 years and has been heavily involved with Planning Committees and running regional and district events. As Mr. Kenney stated, they started the team a few months ago and their first event was this weekend. Of the 40 teams that were there, 6 of them were rookies and we wound up being the highest rookie. They have another event in two weeks at UNH and hope to attend 2 of the ten events in New England.

Councilor McClure stated that the kids looked excited and engaged and it was great.

Mr. Obremski stated that this is real life experience. You need experience to get a job and you need a job to get experience. These are real world skills you get in this program. In addition to participation; this program lets you get the availability of \$20 million in college scholarships just for participating. Not all are engineering.

The Council thanked him for his participation.

Councilor McMilleon closed the public hearing and asked for a referral from Finance.

Councilor McClure read the Finance Committee recommendation which was voted unanimously to approve bill 2015-015.

Councilor Sickorez moved to approve bill #2015-015; An Order to request that the City Council vote to appropriate \$6,000 from Free Cash for the First Robotics Program at the Amesbury High School.

Councilor Bartley seconded.

Councilor Lavoie stated that he feels that everyone is in favor of this. In terms of under what authority we are transferring this he is satisfied that between the Mayor and the CFO that the authority does exist. He does not have the e-mail from Mass DOR about the amount of free cash but it is in excess of about \$1.3 million and the transfers before them tonight look to take up less than \$100,000 of that.

Councilor Sherwood commented that having heard from constituents about it; it is a modest amount and a fantastic idea but there are a lot of programs that are fantastic ideas and in need of resources so he raised the question of why this particular request among all the competing requests for specialized programs that we have across our schools. We don't typically fund operating expenses out of free cash. He just wanted to raise that question for discussion.

Councilor McClure stated that she had not seen other requests come before them in this fashion for money. This is a program that we have never had in Amesbury. This request is the first time that we have had a request for funding. The public sector delivered \$20,000 to kick this off. This is just our piece and she stated she will gladly support it.

Councilor Bezanson also agreed that he has not seen anything else come before the Council for funding and he thanked Mr. Obremski again and the parents that participated in this and that it is an invaluable resource to offer.

Councilor Sherwood stated that he did not think the School Department expects to make regular mid-year requests to us except on an emergency basis. He did not believe they were opening themselves up to asking for more requests for many of the well-deserved programs, why this one as opposed to all the others?

Councilor Lavoie stated that if there are other programs that desire to find themselves here before the Council with an order funneled through the Mayor's Office; this Council cannot originate any appropriations. This came as a request from the Mayor. Any requests would have to come through the Mayor's Office. Councilor Sherwood is correct that free cash should never be used for operational budgeting purposes but when a onetime event occurs, it is more likely than not to find a sympathetic ear with this Council; previous councils and probably future Councils.

Councilor McMilleon stated that this was before the Council back in February and was referred to the Finance Committee and there were a couple of weeks between that meeting and this one that questions could have been raised. I am sympathetic and agree with Councilor Sherwood in terms of the point that he is bringing up and is worth consideration but at the same time as Councilor Lavoie has pointed out clearly, those requests for funds for any activity is going to initiate with the Mayor. We have to assume that not only did the schools support this and have a conversation with the Mayor about seeking these funds; the Mayor agreed with that request and sent it to the Council. It is cutting edge technology and has a lot of benefits to the educational system to have student involved in this. We have had a pretty open discussion on this and with the question that Councilor Sherwood is asking, we will be having budget hearings coming up and we can have a full discussion on these kinds of concerns.

A Roll Call vote was taken and it was voted Unanimous (8)

2015-016 An Order to request that the City Council vote to appropriate \$35,000 from Free Cash to supplement the Fiscal Year 2015 Operating Budget for the Amesbury Public Schools.

Councilor McMilleon opened the public hearing.

James N. Thivierge, 8 School St. stated that when the Mayor files a request to the Council you can go to the Clerk's Office and look at the folder on that agenda item. He stated that he has done that and nowhere did it state the Free Cash balance or the statute. He suggested that the Clerk establish electronic folders on every request that everybody can see. He stated that everybody should know at this point what the new beginning balance of free cash is and what statute this transfer falls under. The public needs more information from the Council.

Councilor McMilleon closed the public hearing.

Councilor McClure read the Finance Committee recommendation which was to approve unanimously.

Councilor Lavoie moved to adopt the recommendation of the Finance Committee and approve the transfer for free cash.

Councilor Sherwood seconded.

Councilor Lavoie stated that the School Committee worked hard to get its budget in line with the Mayor's analysis about what the community could then afford. At that time, the Mayor and the Council made a commitment to the school community and the School Committee that as and when the Free Cash is certified, they would supplement by the amount of \$35,000 the School operating budget. It was a promise made and it will be a promise kept if the Council votes for this and he is in favor of it.

A roll call vote was taken and it was voted Unanimous. (8)

2015-017 An Order to request that the City Council vote to appropriate \$50,000 from Free Cash in order to pay a past-due bill owed to National Grid by the Amesbury Public Schools.

Councilor McMilleon stated that he had a conversation with the Superintendent late last week requesting her to be here tonight on this issue and also the SOI issue coming up. She was unable to attend tonight because of an appointment she had to keep. We discussed the possibility of putting it later in the agenda because she might be able to be here around 8:30 or after 9:00 o'clock. I explained that we were probably not going to be in session as this was a short meeting and we were going into executive session immediately after and not coming back into the regular meeting. His concern is that he believes the Superintendent needs to be here for the Public Hearing on this and also to answer any questions and address any

remaining questions that the Council may have. He asked the Council if they would postpone this hearing to the 24th when we have the Finance Meeting and have a Special Meeting right after to discuss this issue and the Statement of Interest. He stated that as long as this bill is paid in the month of March then we will not pay any more penalties. The SOI does not have to be submitted until April 10, so if we meet on the 24th we will meet the deadlines. He stated that he is open to the wishes of the Council.

Councilor McClure moved to postpone 2015-017 and 2015-021 to a Special Meeting of the City Council on March 24, 2015 immediately following the Finance Committee meeting.

Councilor Sickorez seconded.

Councilor Lavoie stated that he understands the rationale but does not agree. The Finance Committee spent over an hour and the public hearing is for the public to weigh in but not for give and take between the public and the Superintendent. The time has come for us to do something and we should do it. He prefers to get this done tonight.

Councilor Sherwood agreed with Councilor Lavoie. The Assistant Superintendent is here and the members of the School Committee that are here tonight are available to represent and comment on both of the School related items tonight. Those folks are in the middle of their busy budget season and have taken the time to come here tonight.

Councilor McClure stated that she would like to see Superintendent Robinson here. Everything will be done in a timely fashion; we can cover the April 10 date and we can cover the National Grid bill but I believe the responsibility to have her here is important.

A roll call vote was taken; IN FAVOR – 6 (Sickorez, Bartley, Bezanson, McClure, Moavenzadeh, McMilleon) OPPOSED – 2 (Lavoie, Sherwood)

2015-018 An Order to authorize the Mayor to accept and expend a grant in the amount of \$50,000 from the Massachusetts Marketing Partnership.

Councilor McMilleon opened the public hearing.

Rosemary Cashman spoke regarding the entrance signs and believes that the general public has not had any participation in the designs and locations or the impact these signs will have on future directional signs and/or kiosks and there is no time now for public input since the grant must be spent by June 30, 2015. She feels that if public opinion had been sought the number of signs and placement of signs would have been different. She does not appreciate that public opinion had been ignored.

Jane Snow stated that she understood that these signs were voted on through a social media page though the Chamber of Commerce.

Councilor McMilleon closed the public hearing.

Councilor McClure read the Finance Committee recommendation which was for Unanimous approval.

Councilor Bartley moved to accept Bill 2015-018 that the city Council votes to authorize the Mayor to accept and expend a grant in the amount of \$50,000 from the Massachusetts Marketing Partnership.

Councilor Sickorez seconded.

Councilor Lavoie asked if since the Mayor's Office submitted this request he asked if they could speak to some of the points made and to ensure that there is no match to the grant.

Evan Kenney, Mayor's Chief of Staff, stated that he started this months ago in the beginning of 2014 when the first sign funding came about when the state gave us \$10,000 to hire a way-finding consultant. Through the Chamber of Commerce they executed a survey to get the public opinion on social media and the feedback came back with very poor results. People

were not satisfied with those designs so we took another look. We saw this grant as a way to do that. The design is actually not finalized. Our Economic Development Staff including the City Planner came up with a preliminary design that we ran through the Chamber Way-Finding Committee and we have not finalized a design. We will be sharing the final design when it comes about. The vote tonight does not bind us to a particular design. The \$10,000 is a high end quote and we are not locked into that number. There is no match to this grant.

A Roll Call vote was taken and it was voted Unanimous (8)

11. First Readings

2015-019 An Order that the Amesbury City Council hereby takes action for the purpose of authorizing the Mayor to execute the Agreement for Payment in Lieu of Taxes for Personal Property – Solar Facility Pilot (Agreement) for Citizens Enterprises Corporation (Developer) for the site located at 56 South Hunt Rd Map 95 parcel 5 (Site) as described herein and further described in the attachments which are incorporated herein by reference.

Bill Scott, Community and Economic Director gave a short presentation. He stated that the wording is sufficient and there are a few things to go over with the applicant and the City Attorney that he hopes to have for the Ordinance Committee meeting on March 18. The numbers as proposed by the applicant are being looked at by a consultant that was hired to look at other like agreements and other numbers throughout the state within the past year. They will come back with a table and give us an idea if it is comparative to other agreements. We should have for your Finance Committee meeting a more accurate number on what the Pilot would be. Pilot is basically taking the total number of payments that you would make for this type of asset over 20 years and dividing the bottom line by 20 to get an equal payment annually. The reason for that is an asset like this depreciates very quickly. The payments are very high in the beginning when they are struggling to get through their business cycle in the first 5 years and then they become nominal at the end of the cycle as the equipment ages and becomes less effective and is less current. They are asking for us to take those 20 years and based on a model determining the value create equal payments. That is the purpose of a pilot. The distinct advantage here is that we are creating an asset over a land use that probably would not have any more value as a landfill other than this type of use. What you will see in the future is more conclusive information regarding the numbers and then any tweaking between the applicant and the city attorney on the language if necessary.

Councilor Sherwood asked if they would get a proposed schedule at the Finance Committee meeting.

Mr. Scott stated they would.

Councilor McClure moved to send this to the Finance Committee on March 24, 2015 and to the Ordinance Committee on March 18, 2015 and schedule a Public Hearing on April 14, 2015 City Council meeting.

Councilor Sickorez seconded and it was voted Unanimous.

12. Late File

2015-021 A Resolution authorizing the Superintendent of Schools to submit a Statement of Interest to the Massachusetts School Building Authority.

Councilor Sherwood moved to accept the late file.

Councilor Lavoie seconded and it was voted Unanimous.

Councilor McMilleon re-iterated his comment that he feels the need for the Superintendent to be present for the discussion on this item. He supports this resolution strongly but wants her here to answer any questions from the Council or the public. He asked for the will of the Council to postpone to a Special City Council meeting on March 24, 2015.

Councilor McClure moved to postpone to a Special City Council Meeting to be held on March 24, 2015.

Councilor Bartley seconded.

Councilor Lavoie stated that he feels people are here for this and he feels this should be done tonight.

Councilor McClure stated that she is not a fan of late files and has a number of new questions and feels the clarification needs to come from the Superintendent.

A Roll Call vote was taken: IN FAVOR – 5 (Sickorez, Bartley, McClure, Moavenzadeh and McMilleon) OPPOSED – 3 (Bezanson, Lavoie and Sherwood)

Motion carried and it will be discussed on March 24, 2015.

13. Executive Session – Litigation

Councilor McMilleon explained that they would be going into Executive Session to discuss litigation and will not be coming back into regular session.

14. Adjourn

Councilor McClure moved to adjourn at 8:16 pm to go into Executive Session and that they will not be coming back into regular session of the City Council.

Councilor Sherwood seconded.

A Roll Call vote was taken and it was voted Unanimous.

Respectfully Submitted,

Sharon Dunning
Assistant City Clerk